



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,883	06/15/2001	Thomas Leung	11229-6	7618

7590 10/20/2003

BERESKIN & PARR  
40 KING ST WEST  
BOX 401  
TORONTO, ON M5H 3Y2  
CANADA

EXAMINER
----------

AMIRI, NAHID

ART UNIT	PAPER NUMBER
----------	--------------

3635

DATE MAILED: 10/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/880,883

Applicant(s)

LEUNG, THOMAS

Examiner

Nahid Amiri

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 14-16, 19-21, 27 and 28 is/are pending in the application.
- 4a) Of the above claim(s) 14-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19 and 27 is/are rejected.
- 7) ☒ Claim(s) 20, 21 and 28 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Election/Restrictions*

Amended claims **14-16** directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: applicant is claiming the non-elected species. Claims 14-16, applicant is claiming “**more than four continuous diagonal members**”, therefore, claims are drawn to different species which differ from elected specie FIG.11 with only four diagonal members.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, **claims 14-16** withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 19 recites the limitation "multi-segmented assembly which are adjacent to the vertical members" page 4, line 26. There is insufficient antecedent basis for this limitation in the claim.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 19, 27** are rejected under 35 U.S.C. 102(b) as being anticipated by US patent No. 6,158,184 Timmerman, Sr. et al.

In regard to claim 19: Timmerman discloses the claimed invention FIGS. 7, column 8, line 30-52, the structure panel 300 having a pair of spaced apart vertical members 324, 328 having upper ends 340, 336 and lower ends 322, 326, an upper horizontal member 338 extending between and secured to upper ends 340, 336 of the vertical members 324, 328, a lower horizontal member 320 extending and secured to the lower ends 322, 326 of the vertical members 324, 328, wherein the outer rectangle members 320, 324, 338 and 328 form an outer rectangle and a multi-segmented assembly including a plurality of inner members 323, 366, 364, secured together end to end and multi-segmented assembly having vertices secured to the outer rectangle, vertically connectors 6, 8 connected to the vertical members.

In regard to claim 27: Timmerman discloses the claimed invention FIG. 7, having a multi-segmented including the inner polygon members having at least four diagonal members secured together end to ends having a first, second, third and forth vertex and inner polygon located inside the outer rectangle, first ends of the first vertex V1 (as marked) secured to one of the vertical member 324, first ends of the second vertex V2 (as marked) secured to one of the horizontal member 320, first ends of the third vertex V3 (as marked) secured to one of the vertical member 328, and first ends of the forth vertex V4 (as marked) secured to one of the horizontal member 338.

#### ***Allowable Subject Matter***

Claims 28 and 20-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art fail to provided the following applicant's claim invention of shear wall **claims 28, 20-21** having the **first diagonal** member extending from the **first vertex to second vertex**, **second diagonal** members extending from the **second vertex to the third vertex**, a

Art Unit: 3635

**third diagonal** member extending from the **third vertex to the fourth vertex** and **fourth diagonal** members extending from **fourth to first diagonal members**.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nahid Amiri whose telephone number is (703) 305-4241 and Fax number is 703-872-9306. The examiner can normally be reached on Monday-Friday from 8:00-5:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Carl Friedman can be reached at (703) 308-0839.

na 

October 08, 2003



Carl D. Friedman  
Supervisory Patent Examiner  
Group 3600

